THE EXAMINER.

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THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 180.

INSTALLATION OF THE DUKE OF GLOUCESTER AT CAMBRIDGE.

Consistently with the character of this journal, which professes to give more attention than other Newspapers to the connection between Politics and Literature, I proceed without farther preface to indulge in some reflections arising out of the event that has just been celebrated at Cambridge. The reader may recollect in a former number a remark in contemplation of this event, respecting the influence of political interest in places of education, and the consequent influence of education upon political opinion. He may remember also to have been reminded of BONAPARTE's decree of 1808, which placed the whole system of French education under the immediate eye and interference of the Emperor. The more these points are considered, that is to say, the more we consider the natural tendency of public institutions to follow the powers in being, and the natural wish of those powers, particularly when in a state of abuse, to enjoy the sole possession of so great a mover of opinion, the more we ought to be gratified by the success of the better interest over the worse,—perhaps I should say, the smaller interest over the greater,—at the two University elections that have lately taken place;—not that any great, immediate good is to be perceivable on the occasion, but because, in times like the present, it is of the last importance to the welfare of the country that an enlarged spirit of thinking should take place of a narrow one; and that the rising generation should meet their public duties with a mind capable of embracing the great interests of society, to the rejection of what is petty, prejudiced, and selfish.

It may be argued, that the Chancellor of an University has no great concern in it's management; that he never interferes with it's mode of instruction; and that the students are at liberty to form what notions and views they please, whether agreeable to his own or not. True: but still, as he is a man of rank and consequence in the state, he is sure to gather round him a particular interest, and to have a certain right in influencing the predominant politics of the place he governs; and therefore it is highly desirable that this interest and this weight should be on the side of what is liberal and public-spirited, rather than auxiliaries to courtly encroachment and a time-serving pliability in speaking and thinking. They who have been at any kind of public school must recollect the peculiar tone and fashion given to early opinion by the prevailing politics of the rulers, and what an excommunicating face was set against all romantic little boys, who in conformity with the great authors they studied, took it into their heads to think for themselves. It is the same, in it's degree, with schools for men and with all other public institutions; so that to have any constituted authority endued with a proper spirit and fond of encouraging an independent way of thinking, is a blessing as rare as it is useful, and at once an honour to the nation in which it exists, and one of the best securities for keeping the nation honourable. Nor does the objection hold good in this instance, which applies to the general character of authorities; for as those that are servile themselves naturally endeavour to keep the persons under them so, and are impatient, for conscience' sake as well as for interest's, of all opposition, so those that have self-respect enough to value their own freedom, know how to estimate the same free spirit in others, and regard that difference of opinion, which is so galling to a timeserver, as a compliment to a man of independence.

Next to the importance of such effects on the habitual state of thinking in an University, is that of the opportunity given to it, on occasions of public election, of declaring or implying any particular set of opinions, and stamping them with a sanction and currency beyond that of the opposite set. This may be negative or positive, according to the greater or less ardour of the elected person in their cause. Perhaps, in both the late instances, it has been negative as far as regards any peculiarity of political opinion; but it has been positive certainly on a great and general principle, and has given a decided triumph to liberality both civil and religious. Had Lord ELDON, for instance, succeeded at Oxford instead of Lord GRENVILLE, the place would have been inundated with invectives against Catholic Emancipation; and from that full source of bigotry the torrent would have burst out in a thousand furious puddles against religious liberality of every kind. In like manner, had the Duke of BEAUFORT succeeded at Cambridge instead of the Duke of GLOUCESTER, prejudice and bigotry would have received the same honours, not perhaps in the same ratio of fury, since the character of the Noble Duke would not have called it forth, but with as much vehemence as could have been reckoned due to his Grace's patrons the No-popery Ministers, and to his friend Mr. PERCEVAL in particular;—the name of the "great PITT," justly styled the "ever-to-be-lamented," would again have had it's day of idolatry; and PITT's politics and PERCEVAL's theocratics would have obtained a new impetus and recommendation for some time to come. The Duke himself, indeed, would have been on that occasion precisely what he is on all others,—a cypher; for the grave Doctors

could hardly have ventured to compliment him, as the late Kings of Spain and Naples used to compliment each other, on his great prowess in pheasant-shooting; and beyond that, his Grace has no pretensions to immortality. As it has turned out, the elections have furnished panegyric for liberality instead of bigotry, and with respect to the Duke of GLOUCESTER, for sound, practical exemplification of what is praiseworthy. The Slave Trade Abolition, of which his Royal Highness was an ardent patron, furnished the panegyrist with a theme, not like the common and perishable themes of election-praise, but worthy of the accordant voice of all that is great in human policy, and that will last as long as mercy and gratitude are among mankind. The general character of his Highness, which in taste and temper is of a piece with his views on that glorious subject, enabled the whole spirit of the proceedings on this occasion to be of a piece with the panegyric. The pulpits breathed the most exalted, most humane, and most cheerful sentiments of Christianity, in studious contradiction to the meanness, intolerance, and gloominess of certain sects;—the orators were enabled to compliment their Chancellor, not only on his exemplary conduct when at the University, but on the good example he had shewn ever since to men of public spirit, both military and civil;—and the poet, without blushing, could say, by a double allusion,

> To thee the sons of grief and pain
> For pity turn, nor turn in vain;

and could deduce, in a Prince's presence, the superiority of England over other nations,

> From hardy sports, from manly schools,
> From Truth's pure lore in Learning's bow'r,
> From equal Law, alike that rules
> The People's will, the Monarch's pow'r;
> From Piety, whose soul sincere
> Fears God, and knows no other fear:
> From Loyalty, whose high disdain
> Turns from the *fawning, faithless train;*
> From deeds, th' Historian's records shew
> Valour's renown and Freedom's glow.
>
> *Installation Ode by Professor* SMYTH.

Yet the general expression of these sentiments did not hinder due justice from being paid to the memory of those who had honoured the University in the eyes of Europe. Neither the Calvinism nor the Republicanism of MILTON, rigid as they both were, deprived him of the honours which have so long been owing him from the seat of his education; and which were due, not to his religious or his political principles, though much of the latter helped to serve and to perfect our Revolution and limited monarchy, but to his high learning and his still higher poetry; and for the first time perhaps, MILTON's name appeared at Cambridge as it ought, shining in company with the great NEWTON's, and reminding it's delighted beholders that no smaller or more earthly differences of opinion, dead or living, can ultimately keep genius and virtue from sharing their just reward in company with congenial spirits. *Floreat Granta*,—May Cambridge flourish,—was the motto between the two names; and this wish, so appropriately accompanied and illustrated, will be devoutly repeated by all who value a liberal spirit of education, as the surest nurse of all that is liberal and great in a free nation.

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FOREIGN INTELLIGENCE.

PORTUGAL.

LISBON, JUNE 15.—Lord Wellington has abandoned the siege of Badajoz, and advanced to meet Soult, who is on the advance with great reinforcements.—As to Badajoz, its fate must depend on Soult's; and of that there can be no doubt, if Lord Wellington only meets him in battle. The plains of Badajoz would be favourable to Soult's cavalry, and the neighbourhood of the town would likewise favour him. An affair of cavalry took place on the Coa, on the 6th inst.; the enemy advanced in very great force. Gen. Slade met them at the head of the 14th dragoons, and notwithstanding their immense superiority, he twice cut through them with great slaughter, and forced them to fall back upon Salamanca. Our loss amounted to about 25 in killed, wounded, and missing; that of the enemy was extremely severe. A very considerable part of the force of the north has been drawn to the south, to join Lord Wellington's army in that quarter.

PROVINCIAL INTELLIGENCE.

INSTALLATION OF THE DUKE OF GLOUCESTER.

CAMBRIDGE, JUNE 29.—This day the ceremonial took place in the Senate-house. The hour of eleven o'clock was appointed for opening the doors to admit company. So early as nine o'clock the town was crowded with elegantly dressed and beautiful women, hastening to the Senate-house. The crowd was so great, that the seats in a few minutes were completely filled. At twelve o'clock the procession left Trinity College, and arrived at the Senate-house. His Highness was met on the steps by the Vice-Chancellor.—In the confusion occasioned by the rushing in of the company, considerable alarm was created; the heat became excessive, and it was suggested that the best way to remedy the inconvenience would be to break the windows; the hint was no sooner given than it was put in practice. The Under-Graduates, with much alacrity, went to it, and the windows of the Senate were literally broken to pieces.—When the procession entered the Senate-house, the band of music struck up an overture; and as soon as that was concluded, the audience testified their respect for his Highness by a sentiment of applause which lasted several minutes.

The VICE-CHANCELLOR (Doctor DOUGLAS) then addressed the assembly in a speech which was delivered in a tone which was inaudible in most parts of the Senate-house:—He adverted to the time which his Highness had passed in the University, pursuing his studies with an attention which promised well. He could not, when enumerating the causes for gratitude to his Highness, omit to state the honour of having him as a Member of the University; it was a distinction which called forth expressions of respect that his Highness should have chosen Cambridge as the place for finishing his studies. It was valuable, also, in other respects, because his Highness was the only Member of the Royal Family who had received his education at an English university. In enumerating the many services his Highness had rendered his country, he could, were it proper, expatiate with pleasure on the well-known alacrity with which he had obeyed the call of his country, in the hour of danger; and on his readiness to render

still greater services to the State during his travels. The Doctor then panegyrized his Highness's exertions in the cause of humanity, by taking a decided part against the Slave Trade; and expressed his gratitude for the distinguished favours which this University had received from the Royal Family, particularly in protecting its Laws and Constitution. From thence he noticed the many distinguished characters who were educated there, and concluded by stating his confident hope that his Highness would protect the rights of the University over which he had been chosen to preside.

The Senior Proctor administered the usual oath of office, and then his Highness was installed, taking his seat in the Chair of State.—When this ceremony was gone through, the loudest bursts of applause succeeded, which did not subside for some minutes.—The Public Orator then delivered a Latin Oration in praise of his Highness.

After which, the Duke addressed the Senate:—His Highness expressed the satisfaction which he felt for the honour just done him, in placing him at the head of an University always distinguished for its attachment to, and support of, the civil and religious rights of the State. His heartfelt acknowledgments were due for so singular a mark of their respect and esteem for his person. He had ever entertained the utmost veneration and respect for that august body, and should consider that day the proudest in his life, in which he had been so flatteringly called to the Chair. He could not in adequate terms express his thanks for this mark of their confidence. The honour so handsomely bestowed was become the more valuable, because he was the first of the family who had received an education in that University, which had uniformly supported those principles which first seated the House of Brunswick upon the Throne of Great Britain. He could most correctly assure them, that in selecting him they would find that he was alive to their interests, and would ever watch over and protect them. When he looked around the world and saw the fallen and degraded state of some countries, he could not but express his joy at the safety and welfare of Great Britain, protected as she was by the wisdom, the loyalty, and the courage of her inhabitants. When he reflected that this was the happy consequence of education, he could not but congratulate this University, as one of the seminaries from which so much general knowledge had been gained, leading to practical and beneficial results.—It was here that the heroes of Cressy and of Poictiers were educated—it was here, too, that other heroes of modern date had received their education—heroes, whose deeds of valour had crowned them with never-fading laurels, and afforded new proofs of that energy and sprit which had characterised the British name. His Highness again congratulated the Senate upon the many distinguished characters who had been educated here, was proud that he had received a public education, and should be happy at all times, in visiting *Alma Mater*; but whether absent or present, his chief solicitude should be to support and protect the interests of the University of Cambridge.

During the delivery of the Speech, it was frequently interrupted by the loudest plaudits. An Ode, written by Mr. Smythe, was then performed; and the Procession returned to Trinity College, accompanied by an immense concourse of people.—His Highness was dressed in a black silk robe, richly embroidered with gold. On his head he wore a black velvet cap with a long gold tassel.—A very sumptuous dinner was afterwards given to his Highness at Trinity College.—In the evening there was a Concert at the Senate House. His Highness was present, and seemed highly gratified. After the Concert the visitors were treated with an exhibition of fire-works, in the walks of Trinity; and a cold collation was afterwards given by his Highness to nearly 3000 visitors, among whom were—The Marquis of Lansdowne, Earl of Hardwicke, Lord Erskine, the Bishop of Bath and Wells, General Gascoyne, Sir Sidney Smith, Sir Vicary Gibbs, Lord Palmerstone, the Bishops of Bristol and Cloyne, Sir J. C. Hippesley, &c. &c.

AGRICULTURAL REPORT FOR JUNE.

The grass is generally down in the vicinity of London, and the hay harvest proceeding in all the forward parts of the country. Although a considerable and profitable bulk, the meadow hay does not quite equal the general expectation as to quantity; but pasture lands, and the artificial grasses, were scarcely ever more remarkable for weight of swathe. The grass is also very forward on all mowed and cleared grounds.

Wheats are now in high bloom, and although the late cold and changeable weather and high winds have, in some degree, affected their colour, no damage is yet apprehended, and, in ten days or a fortnight more, the blooming will generally be over in the southern counties. In some of the cold and wet lands wheat looks rather sickly, and recovery will depend entirely on the state of the weather during the next two or three weeks. They talk of too great a bulk of straw upon inferior lands, for the crop to be very productive on such, but the warm and good lands are of the highest promise. The growth of spring wheat is full as considerable as last year.

The spring crops promise a general abundance, with the exception of some barleys and oats, which have been blighted, probably as well by the lightning as the chills and variable weather. Pease and beans will be a full crop—potatoes an extraordinary one. It is said the potatoe crop in Lancashire has been for several years overdone, much undrained and improper land being applied to that purpose, to the great deterioration of the quality of the Lancashire root. Hops will be an universal crop, and fruit most abundant. Some little damage has been done to the rutaboga, by the slug or fly. English turnips will be rather a late season. The lands work admirably.

Fat beef uncommonly dear—store cattle somewhat cheaper, the grass going off.

In Ireland and Wales, the seasons have been wet, cold, and backward, probably near a month behind the southern parts of England. In France, and generally upon the Continent, the present, it is said, will be the most productive year of the last ten.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, July 1.

The Amendments made by the Commons in the Insolvent Debtor's Bill, which related to the Isle of Man, were objected to by Lord REDESDALE, as interfering with its own peculiar laws. After some conversation, the Amendments were rejected; and on a conference with the Commons, these Amendments were also given up by them.—Adjourned.

Tuesday, July 2.

THE BERKELEY PEERAGE.

The Resolution of the Committee of Privileges was agreed to *nem dis.* and, on the motion of the LORD CHANCELLOR, an Address to the Prince Regent was agreed to, requesting his Royal Highness would take such measures on the occasion, in the name of his Majesty, as he might deem fit.

GUINEAS AND BANK NOTES.

Earl STANHOPE observed, that the object of his Bill had been misrepresented. Its object was not to make Bank notes a legal tender, nor would it have that effect. An individual had no means of ascertaining whether a note was forged or not, and that was a decided objection to making Bank notes a legal tender. But his plan would obviate all this difficulty, and he proceeded upon the presumption that the Bank was solvent. In endeavouring to find a remedy for the present state of things, he was not to be accused if it was misshapen; for if he were a taylor, and had to make a coat for a hump-backed man, he ought not to be found fault with for making an ill-shaped article to fit the animal!—In his opinion, his Noble Friend's plan (Lord King's) if generally adopted, would operate to the injury of the nation, and he therefore brought forward his Bill as a remedy. He had reason to believe that the example would be followed: in fact, a similar case had already occurred, and it was therefore incumbent upon the Legislature to provide a remedy. Next Session it might not be in their Lordships power to remedy the evil, and he trusted that they would not imitate

those lazy firemen, who suffered whole streets to be burnt down before they brought up their engines.

Lord KING stood there, he said, in defence of his property, and he would tell their Lordships why he did so. From the late debates in the other House, he saw no hopes of an alteration for the better, and knowing that for 14 years past the paper currency had been progressively depreciating, no other alternative occurred to him, but either to give up his property, to have such a value put upon it as the Bank might think proper, or at this time to use the means for its preservation which the law still left him; and he would shew that the law had left the means, if any one chose to employ them. He had therefore given Notice,* that he would not receive Bank notes at their nominal value in cases of *old* contracts, and he begged their Lordships particularly to observe that distinction. Such conduct was both legal and just: he only expected to be paid in the currency of the country according to the value which it bore at the time of granting each respective lease. Nothing could possibly be more equitable and plain, and where was the hardship and oppression in demanding that which the parties had contracted to pay, and which he was evidently entitled to receive? Every necessary of life had risen in price, in proportion to the depreciation of paper. The contracts provided that payment should be made in the lawful money of the land—metal of a certain weight and fineness: but to pay in paper-money, that would not purchase the coin it purported to represent, was not a payment in reality, but in name only.—(*Hear, hear!*)—In Ireland, similar precautions had been adopted, and even in London, of late. Notwithstanding the charges of "black malignity," he should persevere in the course he had adopted, firmly, but temperately and equitably. No outcry would drive him from his purpose. They might indeed make laws to force the people to take notes at their nominal value, but they were little aware of the consequences that would follow such a course of legislation, which had also been adopted in the worst times of France. The Secretary of State had fallen into this French mode of thinking: he appeared to consider it as a moral and political duty to accept Bank notes—(*Hear, hear!*)—and such was the tone of the French Revolutionary Government in regard to their assignats. If, however, Bank paper was really of the value it represented, it was quite immaterial what he (Lord King) either said or did: but, indeed, if it had fallen, then his example might have some weight, and so it ought to have. Such being the case, he hoped Noble Lords, who talked of "black malignity," and used other declamatory language, would confine themselves to facts in future. (*Hear, hear!*) At present, a sum double the amount of the Income Tax, was paid to a Company of Merchants (the Bank) for their own private benefit. Was this to be endured? The 90 millions raised by Government was only equal to 74 millions in real money, and by this depreciating 16 millions were annually expended more than would otherwise be necessary. At this rate, the pay of the army and navy could not go on, and difficulties must crowd upon difficulties. And of what advantage was the Bank to the public? They had Exchequer Bills, and paid the public creditor in their depreciated notes! This was the mighty advantage. It was said, indeed, that notes had not fallen, but that gold had risen. Certainly, if gold was to be paid for in Bank-paper, it had risen; but if paid for in corn, in timber, in labour, or in any good commodity, it undoubtedly had not at all risen. The gold, it was said, was sent to France: he believed it;—the precious metals must be dearer in France than in England, as the communication with Europe was now through this country, and France must pay the expence of transport and insurance. If Bank notes were made a legal tender, all contracts would be violated, and a currency would be forced into circulation by law, and not from its intrinsic value. Bank notes would then be nothing better than assignats, and would possibly fall with equal rapidity. The effect of making them a legal tender would extend to every private creditor the fraud which was now confined to the public one. He appealed to the humane protection of the House, in behalf of the numerous helpless and distressed annuitants, who formerly could live in a decent state of competency,—and also for the infirm and old labourers, who were employed rather from charity than for the real value of their services. The dearness of the necessaries of life, caused by the depreciation of the currency, was chiefly felt by such persons. In France, so much were the assignats depreciated, that a Louis-d'or, though properly 24 livres only, represented 1200 in paper! In Austria, such at this time is the depreciation of paper, notwithstanding all the exertions of the Government, that they have been obliged to issue an order, declaring that *five* florins in paper may be paid by one in coin!—He hoped, with such examples before us, that the Legislature would not attempt to maintain by force a paper currency at a higher rate than its value. Lord King concluded a most argumentative speech by moving that Lord Stanhope's Bill be rejected.

Earl BATHURST contended, that if the Noble Lord carried his plan into effect, it would injure his own tenants, and at the same time be pernicious to the nation at large. He hoped there was too much good sense in the country for an imitation of the conduct of the Noble Lord, which appeared to him to lean only to oppression and injustice.

Lord HOLLAND was quite prepared to partake of the odium attempted to be cast upon his Noble Friend, who was merely consulting the interests of his family, and acting according to the laws of the land. If Bank notes were not depreciated, then the conduct of his Noble Friend could do no harm: if they were, he was giving the country a timely warning, of which they would profit. If this Bill was carried, they must follow it up by a *maximum* and other French measures; for if it passed, he dreaded Parliament to stop in the career. The only remedy for the evil was to make the Bank resume its cash payments. The letter expressed that payment should be made "in good and lawful money of the land." Did these words say that payment was to be made in a depreciated paper? and was not that paper depreciated, when a pound note and seven shillings were currently given for a guinea? Where was the justice of saying "take this note for a guinea," when twenty-seven shillings, it was well known, could be got for it? The Bill did not actually make Bank notes a legal tender, yet it was a legal tender in disguise, and would soon banish all money from circulation. The real Governors of a country were the coiners of its paper, if they once declared that paper was coin: and should this Bill pass, the

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* COPY OF A LETTER FROM LORD KING TO HIS TENANTS, 1811.

"By lease, dated 1802, you have agreed to pay the annual rent of——, *in good and lawful money of Great Britain.*—In consequence of the late depreciation of paper money, I can no longer accept of any bank notes at the nominal value in payment or satisfaction of an *old* contract.—I must, therefore, desire you to provide for the payment of your rent in the legal coin of the realm; at the same time, having no other object than to receive payment of the real intrinsic value of the sum stipulated by agreement, and being desirous to avoid giving you unnecessary trouble, I shall be willing to receive payment in either of the manners following, according to your option:—

"1st. By payment in Guineas.

"2d. If Guineas cannot be procured, by a payment in Portugal gold coin, equal in weight to the number of guineas requisite to discharge the debt.

"3d. By a payment in Bank Paper of a sum sufficient to purchase (*at the present market price*) the weight of standard gold requisite to discharge the rent. The alteration of the value of paper money is estimated in this manner.

"The price of gold in 1802, the year of your agreement, was 4*l.* per oz.; the present market price is 4*l.* 14*s.* arising from the diminished value of paper—in that proportion, an addition of 17*l.* 10*s.* per cent. in paper-money, will be required as the equivalent for the payment of rent in paper.

"KING."

"N. B. A power of re-entry and ejectment is reserved by deed in case of non-payment of rent due.—No draft will be received."

Governors of this country would not be the King, Lords, and Commons, but the Directors of the Bank of England.

The Earl of ROSSE argued that no depreciation whatever had taken place, and nobody doubted the credit of the Bank. He thought the Bill would prevent the evils which the Noble Lord's plan would create. The Bank Restriction, a plan of Mr. Pitt,—certainly one of the greatest financiers that ever lived,—had saved the country from foreign subjection. If removed, the greatest evils would follow.

The Earl of LAUDERDALE was of opinion that the only remedy for the evils complained of was to be found in taking off the Bank restriction. As to the injustice which, it was said, would be done to the tenants of his Noble Friend (Lord King) he really never heard such nonsense: he was quite ashamed of the House for listening to such arguments.

Lord REDESDALE said, that some how or other coin had been driven from the country; and if tenants cannot get gold to pay their rents, they must be protected from being forced out of their farms for not being able to effect impossibilities. The plan proposed by the Bill was, that Bank notes shall be protected from depreciation, as gold was by statute of Edward VI.; that no man shall be compelled to take such notes; but if they do take them, it shall not be for less than a pound. He did not think the words of the Bill would have that effect; yet the state of things required that some provision should be made against the existing difficulties; and he should therefore give his support to the Bill.

Lord GRENVILLE said, that since he had sat in Parliament he had never seen the Government in such a dreadful state. He was quite surprised that Ministers should shut their eyes to the situation of the country, and content themselves with arraigning the conduct of his Noble Relative, which had been regulated by the law and his duty to his family. He was proud to say, he loved his Noble Friend, for the benevolence of his heart and the clearness and liberality of his mind. Would their Lordships say, that he was not to manage his affairs in the way he chose? If so, he believed they would soon have to lament their error. Instead of clamouring against his Noble Friend, for doing what the law allowed, they should have admitted that in Ireland a similar conduct had long been adopted. Both Mr. Pitt and himself had looked upon the day of passing the Restriction Act as a most afflicting one; and, for his own part, he had ever since regretted the share he had in that measure, temporary as it had been then considered; and when Mr. Pitt proposed the continuation of the suspension to the end of the war, he strenuously opposed that measure. He believed that the estimates for the present year amounted to 90,000,000*l.* sterling, which clearly shewed that we were engaged in and running a course of extravagance far beyond the means of the country to support, and which, if persisted in, must entail on us inevitable ruin. It was, however, one of the causes of the immense issues of paper; and those were the root of its depreciation. It was ridiculous to suppose an evil of such magnitude could arise from the act or acts of any individual. The Bill now brought forward shewed the paper was depreciated, and that was the ground of the shameful argument used against his Noble Relative near him. Gold is not scarce, but paper is depreciated. If you will pay the quantity of paper equal to the present price of gold, it would be found that gold was never so plentiful as it is at present. "If there be law in Venice, you must pay in money, or else you will shake the foundation of the Senate." Ministers appeared to be adopting measures which had been stigmatised by all eminent authorities as most injurious to a State. They had determined to issue tokens for three sterling shillings—tokens which, according to the standard value of the sterling shillings, would not be worth more than 2*s.* 4*d.* In this instance he must contend, that they were not satisfied with a depreciated paper, unless they accompanied it with a debased coin. If this measure were fit to be adopted, he should be glad to know why the tokens were not to be issued by Government for the profit of the public?—The tokens were to be prepared in the King's Mint, and if the nation was to take the mischief of the issue, the public was entitled to the profit. If the measure were to be persisted in, he should often have to address their Lordships upon it; not that he was not perfectly aware how little useful it was to address their Lordships upon such occasions; but because, feeling as he did respecting the measure, he should not think that he had performed his duty if he failed to state his sentiments. Whatever might be the future misfortunes of the country, he was sure that he could bear his proportion of them with the fortitude of a man conscious of having discharged his duty in endeavours to avert them: but when he considered how particularly it had fallen under his observation to watch the progress and effects of similar measures in that unhappy country, France, he should be criminal not to use all the means in his power to prevent their introduction into this country.

The Earl of LIVERPOOL observed, that the question had been argued with a view to the ulterior measures which the Noble Earl who brought the present measure forward had in his contemplation. For his own part, he wished not to be understood to give any opinion or approbation of these ulterior measures. The principle of the Bill under consideration he certainly approved of. The interest of landlords and tenants could not be separated; and any act that would bear hard upon the tenant, must be injurious to the landlord himself. If the example of the Noble Lord were to be followed generally, the tenants would generally indemnify themselves by raising the prices of the articles they brought to market; but if it were not followed generally, the particular tenant would not have the means of indemnifying himself by a rise of prices, and the consequent injury he would suffer would also be felt by the landlord. Though he had at first thought, that upon the whole it would be better to leave the law as it stood, yet when he attended to the principle of the measure under consideration, and particularly to the principles of those who had opposed it, he began to feel that the remedy should be upheld; that if Parliament should separate before the adoption of such a measure, much public inconvenience would be the result; and the remedy which was now easy, would perhaps then be ineffectual. Whatever difference of opinion there might have been as to the origin of the evil, upon the propriety of binding the Bank to resume cash payments at any definitive time, there appeared very little difference. Upon a division, on that question, in another place, the minority did not exceed 47. The Noble Baron, who spoke second in the debate, had stated that Bank notes were depreciated, because they did not now purchase so much food and other necessaries as formerly, and had instanced wheat and corn. But papers on their Lordships table shewed the rise in the price of corn was attributable to other causes.—The consumption had increased considerably beyond the produce. The 400,000 quarters formerly imported, were now consequently increased to 6 or 700,000. This was not owing to depreciation, as by reference to the price of iron, timber, wool, cotton, feathers, tallow, and hides, which were known to have fallen in price as gold bullion rose in the market. The measure of restriction had been resorted to, to prevent the Bank from paying in cash, and to keep the bullion in the country; and he knew it to have been the opinion of the great man who originated the Bank Restriction, that the public creditor should never be placed in a worse situation than any individual having equivalents in any other species of security. But the public creditor, if compelled to take notes at par for his dividend, whilst the tenantry would be allowed to take them at a depreciated rate, would be greatly injured. The Noble Baron had said, that gold enough could be had if we were willing to pay the price for it. He knew not upon what authority this had been asserted; but he knew that one of the most respectable merchants in the world, had decidedly stated, that if he wanted ten thousand pounds, he should not know how to get it. If the Bank could procure gold, it would find its way out of the country. This was owing to the unexampled state of the world, and the convulsed state of commerce. He agreed with the Noble Baron, that our exertions in the prosecution of the war had the effect of a drain upon the coin of the country, though he differed from him in thinking the exertions we were making were well worth the price we paid for them. We could not expect to have a navy triumphant all over the world—to strip the enemy

of all his colonies—or to maintain a great army in the Peninsula, and another in the Mediterranean,—without feeling some drain of our coin. When he considered the consequences that might follow from the example pointed out by the Noble Mover, he thought it would be unwise to reject the Bill, as such rejection would lead to consequences highly injurious to tenants, but still more injurious to the public creditor.

Earl STANHOPE, in reply, said, he had always thought that the man who was in the possession of a large property not gained by his own talents and industry, but derived from the mere accident of birth, was in fact but a trustee for the public, and owed it to that public to return some part of that estate for its benefit. To shew that he could not only preach, but practise, he would say that he had never received a shilling from the public, and that thousands and thousands he had expended for the advantage of the public. He had, after many years of application, at much expence, and with the assistance of the ablest artists, discovered an effectual mode of preventing the forgery of Bank notes. It was a thing hitherto thought impossible, but he had discovered the means of striking off a million of plates, all of them proofs—*(Hear!)*—and when he had it complete, he should give the invention gratis to the Bank for the public good. A Noble Lord had said, that the dividends must soon be paid in gold; but the gold was all gone—nobody thought of it;—the thing was impossible. His Noble Relative had made an observation which shewed he was right; for he said, that as long as there was gold in Venice, gold should be paid. But there was no gold in Venice, and it could not therefore be paid, which proved him right. When he came down to the House, he imagined that Ministers would throw out the Bill; but the arguments of his Noble Friends against it had made converts of them, a task which he could not accomplish; so he had to return them thanks right and left. —*(Much laughing.)*

A division then took place—For the second reading, 36—Against it, 12—Majority, 34.—The Bill was then read a second time.—Adjourned.

Wednesday, July 3.

There was no business of importance before the House this day.

Thursday, July 4.

Another debate on Lord Stanhope's Bill took place this day. It was opposed by the Marquis of LANSDOWNE and Earls GREY and LAUDERDALE;—and supported by the Earls of WESTMORLAND and LIVERPOOL, and Lord ROSSE.—The Ministers added several clauses to it, which Lord STANHOPE disclaimed, saying, that he was proud of being the father of the Bill, but having delivered it over to the Nursery, the Noble Lords on the other side must dandle it as they pleased.—The endurance of the Bill was limitted to March, 1812.—Adjourned.

Friday, July 5.

Lord Stanhope's Bill was ordered to be read a third time on Monday, and their Lordships were ordered to be summoned for that day.—Adjourned till Monday.

HOUSE OF COMMONS.

Monday, July 1.

MR. FINNERTY.

Mr. CHAPLIN said, that he had received a letter from the Under Sheriff of Lincoln, declaring that Mr. Finnerty had offered money for other apartments; as also a statement from a Magistrate, in contradiction of what had been advanced by Mr. Finnerty, and a Petition from Mr. Merryweather, the Gaoler of Lincoln Castle, complaining of gross and scandalous misrepresentation in the Petition of Mr. Finnerty, defending himself from the charge of oppressive conduct, and stating that the restraint had been imposed on Mr. P. Finnerty in consequence of his having attempted to seduce a turnkey from his duty, by bribing him to permit him (Mr. F.) to be connected with a female convict in the prison. The Petition concluded by praying that the House would cause a strict inquiry to be made into the conduct of the Petitioner (Mr. Merryweather) through the whole of the transaction.

On the motion that the Petition do lie on the table,

Mr. WHITBREAD observed, that he was glad to find that the Gaoler was desirous of an enquiry into his conduct. As to the alleged impropriety of which Mr. Finnerty had been guilty, although he by no means justified it, if it really occurred, yet it did not at all warrant the treatment which that gentleman had received. He had, however, had a letter from Mr. Finnerty, distinctly stating, that the offer alluded to was not his, but had been made to him by the turnkey, and that, on his refusal to avail himself of it, the turnkey, in order, as he conceived, to be before-hand with him, laid the information on which the present accusation was founded. The Hon. Gentleman had observed, that he had received a letter from the Under Sheriff of Lincoln, stating that Mr. F. had offered money for other apartments. Why had he been refused? Why were not better apartments accessible to him as to other prisoners?—There was not any thing in the present Petition, or in all he had heard on the subject, which went to disprove that Mr. Finnerty had suffered much oppression, and had been treated in an unusual and in an unnecessary manner.

Mr. CHAPLIN replied, that Mr. Finnerty had experienced the greatest indulgence, and had even been allowed by Mr. Merryweather to walk in his own garden, until he proved himself unworthy of such liberal treatment. Another prisoner, Mr. Drakard, had distinctly asserted, that he experienced every indulgence consistent with the execution of the law.

Mr. BROUGHAM contended that the statement of Mr. D. was no answer to the statement of Mr. Finnerty. Could any thing be more reprehensible, than that two individuals convicted of similar misdemeanours, and sentenced in precisely the same words, should be treated at the discretion of a Gaoler, the one with mildness, and the other with rigour? There was one point left untouched in the Gaoler's Petition. Not one word did he say in answer to Mr. Finnerty's statement, that he had been subject to solitary confinement. He trusted that the power of a Gaoler, simply to deprive one individual of his personal liberty, and to doom another individual, convicted of precisely the same offence, to solitary imprisonment, would be made the subject of Parliamentary consideration in the next Session.

Mr. Secretary RYDER denied that even Mr. Finnerty affected, in his own Petition, to state that he suffered solitary confinement. All that he stated was, that he had, in one or two instances, not seen persons who wished to see him. Since the last discussion of this subject, he had taken all possible means to enquire into it, and he found that there was not the slightest ground for most of the statements made by Mr. Finnerty and his friends, and that the few statements which had a shadow of foundation were grossly exaggerated.

The Petition was ordered to lie on the table.

MILITARY TORTURE.

Mr. Secretary RYDER, adverting to the case stated by Sir Francis Burdett respecting a man of the name of *Evers*, who had cut his throat to avoid being flogged, observed that the Hon. Baronet laboured under considerable misapprehension on the subject. On inquiry he learnt that the name of the man was not *Evers*, but *Avery*. He had come to the Isle of Wight from Tilbury, as a recruit of a suspicious character. As soon as he had received his bounty, this man with three others deserted; but being taken by a press-gang at Ryde, he was brought back to the depot, and tried by a Court Martial. Before the sentence had been promulgated, this man attempted to cut his throat. Such was the statement of the real fact, as it occurred. He was aware that it did not at all affect the general question of the expediency, or inexpediency, of corporeal punishment; but it was certainly desirable that these individual cases should be described with accuracy.

Mr. WHITBREAD said, that since the last discussion on this subject, he had received a letter, which to him appeared practically conclusive upon it. It was from a person having the chief command of the recruiting parties in a district of the country in which the temptations to recruits to act in a manner meriting punishment were peculiarly strong. This officer, how-

ever, declared in the most emphatic language, that he found corporeal punishment to be completely unnecessary, and that the triangles, if there were any in his district, were mouldering away in a garret.

Mr. BROUGHAM stated, that the motion of which his Hon. Friend, (Sir F. Burdett), had given notice for the next Session, was not founded on any particular instance of severity, but would proceed on the general question of the expediency of corporeal punishment.

ASSASSINATION.

Mr. WHITBREAD observed, that the House must be aware of the horrible doctrines which had recently been promulgated in some papers respecting assassination. Were the writers aware that they led to the perpetration of crime on the innocent and meritorious, by the arguments in which they recommended the perpetration of crime, on one certainly not innocent—certainly not meritorious—but of whom they were not to set themselves up as the judges and the punishers. When these persons held out the examples of antiquity for the perpetration of such crimes—when they described the individuals of former ages, by whom those examples had been afforded, as the benefactors of mankind, he supposed it would be in vain for him to suggest to them the great change which had taken place in moral duty by the Christian religion. But he would call on the advocates of assassination to show a single instance in which the crime had been followed by the advantages anticipated by the short-sighted perpetrators of it. After the assassination of Cæsar, had the liberties of Rome been better secured than before? Had the knife of the assassin been always pointed at the proper object? Had it not frequently been directed against the breast of the innocent and meritorious? Against the breast of Henry IV. and Louis XV. of France; of the great Prince of Orange; and twice in our own days, of the existing Monarch of this country? Had not the King of Sweden been assassinated? Had not the Emperors Peter and Paul of Russia been assassinated? And was it then prudent to preach up the doctrine that any individual was competent to judge who ought to be assassinated? Before those persons told the Spaniard that he had a right to assassinate the Emperor of France (because he invaded Spain), let them recollect how recently Great Britain had attacked an inoffending nation, with whom she was not at war. If their doctrine were wholesome, let them reflect on the right which a Zealander (inflamed by that which he (Mr. W.) should ever term a most atrocious violence) would possess to arm himself on their principles with the poniard of vengeance. Let them remember the march of British armies over the guiltless countries of Asia, for the purpose of deposing their unoffending Sovereigns.—Surely those Sovereigns had in their Courts individuals warmly attached to them; and were these doctrines established, the hand of a subject of the Nabob of Oude or Tippoo Sultaun might, with justice, be lifted in secret against those to whom his unfortunate Sovereign owed his misfortunes. Some of the papers in which these doctrines were asserted were published in the French language, for the purpose of being circulated on the Continent, and were supposed to be so circulated, under the auspices of the British Government. With that feeling they would be read by the person whom they declared it would be meritorious to murder. Let it be recollected that this person had preconceived the opinion that the British Government were the instigators of the plot for his destruction by the Infernal Machine. Let it be recollected, that he had told the people of France that the British Government had landed assassins on the French coast for the purpose of secretly destroying him. What a confirmation would such statements receive from the circulation of such doctrines? What must be the necessary consequence, but that if this person conceived that the hand of the British Government was thus raised against his person, that he would avail himself of every opportunity of retaliation? The very individuals who published these papers declared, that a person of the name of *Hankwitzer* had already been sent from France, for the express purpose of attempting the life of the Sovereign of Great Britain. At the very moment that they became the advocates of assassination, they expressed their belief that Bonaparte had in his pay a hand, ripe for any deed of blood! Were they aware of the vital danger to which they thus exposed the persons of their Sovereign and his Family? For himself, having seen the doctrines to which he had alluded maintained in those publications which were generally considered as having the support of Administration, and having on the other hand seen the manly disavowal of those doctrines by a Noble Marquis in another place, he had felt it his duty not to allow the House of Commons to separate without giving the Right Hon. Gentleman opposite an opportunity of making a similar declaration; and with respect to the individual who was the immediate object of these abominable doctrines, was it to be believed that Providence, who, for inscrutable purposes, had raised up this extraordinary man, had led him in safety through dangers of every description, who had preserved him in the field of battle, and who had shielded him from the knife of the assassin—was it to be believed, that Providence would allow its object to be frustrated by the puny efforts of such short-sighted beings, whose projects would be as fruitless as they were criminal? He trusted that he should hear a distinct disavowal of doctrines, in which was involved the safety of every Crowned Head in Europe.

Mr. PERCEVAL had no hesitation in stating, that he could not conceive the existence of any circumstances which would justify the sentiments described. He perfectly agreed with the Hon. Gentleman, that putting out of the question the divine prohibition of murder, those who were disposed to have recourse to such means of hostility, would find them injurious rather than beneficial to their cause. Were such a system established, it would involve the world in calamities greater than any by which it had been afflicted. He also perfectly agreed with the Hon. Gentleman, that when Providence distinctly assumed the direction of great events, for ultimate purposes unknown and incomprehensible, no short-sighted human effort could retard their progress; but this sentiment ought not to be permitted to prevent our resistance to immediate evil. Even if it were declared by Omniscience, that the plans of Bonaparte must be finally executed, yet if they could not be carried into execution without a violation of rights which ought to be defended, it was our duty to make an effort to defend them, however hopeless. Nothing could be more dangerous than to misapply the truth, that all events were under the direction of Providence. It was in the defence of liberty against oppression that human virtue was most eminently displayed; and those who perished in such a sacred cause, perished gloriously, and not without reward. Irresistible as the course of Bonaparte had hitherto appeared to be, if we indeed thought that Providence superintended human events; we must be convinced that in that course he would yet be checked. This country might be chosen as the instrument of arresting his mighty progress—of deducing good out of the evil which had hitherto existed. What was there, he would ask, in the march of Bonaparte which ought to induce us to suppose that his ultimate success was irresistibly decreed by Providence? Let this country look to its own exertions, and say whether the success of those exertions had not been as extraordinary as the success of the enemy. If it were declared that a superintending Providence had given to France the dominion of the land, it must also be declared that the same superintending Providence had given to Great Britain the dominion of the sea. The future presented cheerful as well as grave subjects for contemplation. Whatever might be the result, however, it became us to choose the noble path of duty and honour. He had no hesitation in repeating, that he disavowed, from the bottom of his soul, any doctrines which led to practices so unchristian-like and so foreign to a wise and manly policy.

Mr. WHITBREAD thanked the Right Hon. Gentleman for his honourable disavowal. He (Mr. W.) trusted that no expression of his would be construed into the declaration that he was a fatalist, or that he thought it impossible to resist the power of France. He must be a fool indeed to entertain such an opinion at a moment when the power of France was resisted more effectually than at any former period of the present awful contest. Whatever he might think of the ultimate fate of the nations of Europe—whatever opinion he might entertain of the intentions of Providence with respect to that extraordinary

Being who had hitherto possessed such a powerful influence over that fate, he was not the less convinced of the duty of resistance to his designs—of the duty of defending our liberties, even should extermination be the consequence. But it was not for an individual to step forward, and with a criminal hand attempt to accelerate the result. He well remembered the rejoicings in this country at the news of the assassination of the Emperor Paul. It was then said that Russia would turn against France. She did so turn. A most absurd coalition took place between Great Britain and Russia, and what followed? Russia was completely subjugated, and the successor of the assassinated Paul became one of the firmest friends of France!

Tuesday, July 2.

An Address to the Prince Regent was voted, praying that he would order a Return to be made of the White and Black Population of West India Settlements, the number of Clergy, &c. &c.—After which the House adjourned till Monday.

PROTEST AGAINST LORD STANHOPE'S BILL.

Die Martis, 2d July, 1811.

DISSENTIENT,—Because We think it the duty of this House to mark in the first instance with the most decided reprobation, a Bill, which in our judgment manifestly leads to the introduction of laws, imposing upon the country the compulsory circulation of a Paper Currency; a measure fraught with injustice, destructive of all confidence in the legal security of contracts, and as invariable experience has shewn, necessarily productive of the most fatal calamities.

GRENVILLE, ESSEX, JERSEY, GREY, LANSDOWNE, COWPER, KING, LAUDERDALE.

For the reasons assigned on the other side, and because the repeal of the law for suspending Bank Payments in Cash is in my judgment the only measure which can cure the inconveniences already felt, and avert the yet greater calamities which are impending from the present state of the circulation of the country. VASSAL HOLLAND.

[It is not easy to give a true description of this curious non-descript. It is not a Bill to make Bank-notes a legal tender. It obliges no one to take them—but it says they shall be taken, if taken at all, at what they profess to be worth. It is a nonentity as to enactment; and yet, like Lord Sidmouth's encroachment on religious liberty, it is the beginning of a new system of finance. Grant the rump of Mr. Pitt this Bill as an experiment, and they will come forward next Session (if the Prince Regent should feel himself in duty bound to keep men who are thus hurrying the Empire to ruin so long in his service) with another Bill to explain and amend—that is, to new model and extend the powers of the Act, so as at once to convert *Bank Notes* into *Assignats*, and *Bank Tokens* into *Specie!*—*Morning Chronicle.*]

TUESDAY'S LONDON GAZETTE.

This Gazette contains a Letter from Vice-Admiral Drury, dated on board the Samarang, Madras Roads, January 1, 1811, giving an account of Lieut. J. Prior, with the boats of the Belliqueux, and Sir F. Drake, having destroyed a French ketch, with dispatches for Gen. Daendels, and two gun-boats, in the Bay of Bantam. In this affair we had only one man killed.

Admiral Drury, in a second dispatch, dated Madras Roads, January 3d, incloses Captain Cole's account of the capture of the island of Banda, the principal of the spice islands in the Molucca seas. Captain Cole's letter, containing the details of this gallant achievement, appeared some months ago, being brought to Europe by another conveyance.

Then follow two other dispatches from Capt. Tucker, of his Majesty's ship Dover, to Admiral Drury, giving an account of his having taken possession of the principal Dutch possessions in the island of Celebes.

Then follows another letter to Admiral Drury, from Captain Tucker, dated his Majesty's ship Dover, in Ternate Harbour, August 31, 1810, giving an account of the capture of the island of Ternate. As the particulars of this event have long ago appeared, though not in an official shape, it will be sufficient to state, that the whole force employed on this occasion was the crew of the Dover, and a detachment of the Company's troops from Amboyna, amounting to 174 men, under the command of Capt. D. Forbes. The island was defended by 500 regular troops, some Dutch militia, and native force. Capt. Forbes landed with his small party, and after marching by very difficult roads, gallantly stormed one of the principal forts, while Capt. Tucker laid the Dover alongside the sea-batteries, which he soon silenced by his well-directed fire. Our loss was only one seaman killed, and five wounded; and Capt. Forbes's detachment, two killed and ten wounded.

BANKRUPTCIES SUPERSEDED.

J. White, Gloucester, barge owner.—J. Jones, Edmonton, wheelwright.—W. Heard, Bristol, ironmonger.

BANKRUPTS.

R. Smith, Old City Chambers, merchant.
W. Hulls, Holborn, cutler.
I. Furlow, Great Scotland-yard, coal-merchant.
G. and S. Render, Leeds, linen-drapers.
T. H. Lakin, Birmingham, hatter.
I. Moses, Road-lane, insurance-broker.
T. Lownds, Gutter-lane, warehouseman.
W. Miller, West Teignmouth, victualler.
J. Owen, Hulme, Lancashire, boat-builder.
J. Blake, Tewkesbury, linen-draper.
J. Carter, Stratford-green, Essex, victualler.

SATURDAY'S LONDON GAZETTE.

Downing-street, July 6, 1811.

A Dispatch, of which the following is an Extract, has been received at the Office of the Earl of Liverpool, addressed to his Lordship by Lord Viscount Wellington:—

Quinta de Granicha, June 13, 1811.

In consequence of a report from the Chief Engineer, Lieutenant-Colonel Fletcher, that the fire from St. Christoval might occasion the loss of many lives in the operations on the left of the Guadiana, and the breach in that outwork having been apparently much improved by the fire throughout the 6th, I directed that an attempt might be made to carry St. Christoval by storm that night. Major-General Houstoun, who conducted the operations of the siege on the right of the Guadiana, accordingly ordered a detachment under Major Macintosh of the 85th Regiment to make the attempt. The men advanced under a very heavy fire of musquetry and hand-grenades from the outwork, and of shot and shells from the town, with the utmost intrepidity, and in the best order, to the bottom of the breach; the advanced guard being led by Ensign Dyas of the 51st Regiment, who volunteered to perform this duty; but they found that the enemy had cleared the rubbish from the bottom of the escarp; and notwithstanding that they were provided with ladders, it was impossible to mount it. They retired with some loss.

The fire upon St. Christoval, as well as upon the place, continued on the 7th, 8th, and 9th, on which day the breach in the wall of St. Christoval appeared practicable, and I directed that a second attempt should be made on that night to obtain possession of that outwork.

Major-Gen. Houstoun ordered another detachment for this service, under the command of Major Mac Gearhy, of the 17th Portuguese regiment, who, with the officers destined to command the different parties composing the de-

tachment, had been employed throughout the 8th and 9th in reconnoitring the breach, and the different approaches to it.

They advanced at about nine at night in the best order, though opposed by the same means and with the same determination as had been opposed to the detachment which had made the attempt on the 6th.

Ensign Dyas again led the advance, and the storming party arrived at the foot of the breach; but they found it impossible to mount it, the enemy having again cleared the rubbish from the bottom of the Escarp. The detachment suffered considerably, and Major Mac Geachy, the commanding officer, was unfortunately killed, and others of the officers fell; but the troops continued to maintain their station till Major-General Houstoun ordered them to retire.

When the reinforcements had arrived from the frontiers of Castille, after the Battle of Albuera, I undertook the Siege of Badajoz, entertaining a belief that the means of which I had the command would reduce the place before the end of the second week in June: at which time I expected that the reinforcements for the enemy's southern army detached from Castille would join Marshal Soult.

I was unfortunately mistaken in my estimate of the quality of those means.

We failed in two attempts to obtain possession of Fort St. Christoval; and it was obvious to me that we could not obtain possession of that outwork, without performing a work which would have required the labour of several days to compleat.

On the morning of the 10th instant, I received the inclosed intercepted Dispatch from the Duke of Dalmatia to the Duke of Ragusa, which pointed out clearly the enemy's design to collect in Estremadura their whole force; and I had reason to believe that Drouet's corps, which had marched from Toledo on the 28th and 29th of May, and was expected at Cordova on the 5th and 6th inst., would have joined the Southern Army by the 10th; and it was generally expected in the country that the Southern Army would have moved by that time.

The movement of this army alone would have created a necessity for raising the siege; but on the same morning I received accounts from the frontiers of Castille, which left no doubt of the destination of the Army of Portugal to the southward; and gave ground for belief that they would arrive at Merida on the 15th inst.

I therefore ordered that the siege might be raised.

I have every reason to be satisfied with the conduct of all the officers and troops employed at the siege of Badajoz, whose labours and exertions deserved a very different result.

[Here follows an eulogy on various officers.]

I inclose a return of the killed and wounded throughout the siege, from which your Lordship will observe that, excepting in the attempts to obtain possession of St. Christoval, our loss has not been severe.

We still maintain the blockade of Badajoz.

I have not yet heard that the enemy have moved from their position at Llerena, and I imagine that the arrival of the 9th corps has been delayed longer than was expected; and it is probable that Soult will be unwilling to move till he will hear of the movements of the Army of Portugal.

They broke up from the Tormes on the 3d, and their advanced-guard arrived at Ciudad Rodrigo on the evening of the 5th.—They moved forward again on the 6th, and Lieut.-Gen. Sir Brent Spencer withdrew the advanced-guard of the troops under his command first to Navé d'Aver, and then to Alfayates.—The enemy patroled on the 6th into Fuentes de Honor, and into Navé d'Aver.—I inclose Sir Brent Spencer's report of these operations, from which it appears that the Royal Dragoons, under Lieut.-Col. Clifton, and a troop of the 14th, the whole directed by Maj.-Gen. Slade, distinguished themselves.

I imagine that the enemy's march in this direction was intended as a reconnoissance, and to cover the march of a convoy to Ciudad Rodrigo; as on the following day, the 7th, the whole moved from thence to Moras Verdes, in the direction of the pass of Banos, near which pass General Regnier had been with two divisions of the Army of Portugal, since the 5th. On the 8th in the evening, one division of General Regnier's troops had come through Banos, and I expect that those divisions will have arrived at Placentia the 9th, and the whole army on the 10th.

P. S. Since writing this dispatch, I have received accounts that General Drouet's troops joined on the enemy's right at Berlanza and Azuaga yesterday, and a report that their cavalry were in movement towards Los Santos this morning. The British cavalry, and the 2d and 4th divisions were about to march from Villa Franca and Almendralejo towards Albuera, and I have ordered there General Hamilton's division, and shall proceed there this night myself, if I should find that report confirmed.

Return of Killed, Wounded, and Missing, at the Siege of Badajoz, from May 30, to June 5.

British Loss.—2 Lieutenants, 18 Rank and File, killed; 1 Ensign, 3 Serjeants, 48 Rank and File, wounded; 2 Rank and File missing.

Portuguese Loss.—1 Lieutenant, 20 Rank and File, killed; 1 Lieutenant-Colonel, 1 Major, 1 Lieutenant, 2 Ensigns, 1 Serjeant; 1 Drummer, 63 Rank and File, wounded; 2 Rank and File missing.

Total Loss—3 Lieutenants, 38 rank and file, killed; 1 Lieutenant-Colonel, 1 Major, 1 Lieutenant, 3 Ensigns, 4 Serjeants, 1 Drummer, 131 rank and file, wounded; 4 rank and file, missing.

Names of Officers killed, wounded, and missing.

Killed.—Royal British Foot Artillery, Lieutenant Edmund Hawker.—2d Batt. 5th Foot, Lieutenant Sedgwick.—2d Portuguese Regiment of the Line, Lieutenant Rodrigo de Mello.

Wounded.—1st Battal. 57th Foot, Ensign Leslie.—Portuguese Artillery, Lieut. Lopez.—14th Portuguese regiment, Lieut.-Col. Oliver, severely.—21st ditto, Major Gomes, Ensign Vincent.

Return of Killed, Wounded, and Missing, at the Siege of Badajoz, from the 6th to the 11th June, 1811.

British Loss.—Three Lieutenants, 1 Serjeant, 48 rank and file, killed; 2 Captains, 9 Lieutenants, 9 Serjeants, 127 rank and file wounded; 1 Captain, 1 Ensign, 6 rank and file, missing.

Portuguese Loss.—One Major, 2 Lieutenants, 2 Serjeants, 25 rank and file, killed; 2 Captains, 2 Lieutenants, 1 Ensign, 4 Serjeants, 76 rank and file wounded; 1 Captain missing.

General Total.—One Major, 5 Lieutenants, 3 Serjeants, 73 rank and file killed; 4 Captains, 11 Lieutenants, 1 Ensign, 13 Serjeants, 203 rank and file, wounded; 2 Captains, 1 Ensign, 6 rank and file, missing.

Names of Officers Killed, Wounded, and Missing.

Killed.—Royal Engineers, Lieutenant Hunt.—51st Foot, Lieut. Westropp.—85th Foot, Lieut. Hogg.—7th Portuguese Regiment of the Line, Lieut. Pereirra.—17th Ditto,

Major M'Geachy (11th British Regiment).—19th Ditto, Lieut. D'Meanera.

Wounded.—Royal Engineers, Capt. Patton, severely; Lieut. Forster, severely, since dead.—Royal Staff Corps, Lieut. Westmacott, severely.—51st Foot, Capt. Smellie, Lieutenants Beardsley and Hicks, all severely.—85th Foot, Lieutenants Gammell, Grant, and Morton, all slightly.—Chasseurs Britanniques, Lieut. Dufief, severely.—Duke of Brunswick's Light Infantry, Lieut. Lyznewsky, slightly.—17th Portuguese Regiment of the Line, Captain Maxwell, severely; Lieutenant Fortio, slightly; Ensign Roguese, severely.—3d Portuguese regiment of Artillery, Captain Barreiros, slightly; Lieutenant Lopez, severely.

Missing.—1st Batt. 57th Foot, Ensign Leslie.—85th Foot, Captain Nixon.—19th Portuguese regiment of the line, Captain Budd.

[Here follows Gen. Spencer's Report of his retreat, in which he had only 10 horsemen wounded, and 9 missing, with 6 horses killed, 10 wounded, and 4 missing.]

BANKRUPTCY SUPERSEDED.

J. Price, Coventry, ribbon-manufacturer.

BANKRUPTS.

T. Callant, Little Bolton, Lancashire, cotton-manufacturer.
B. Bowen, Harrow, Middlesex, apothecary.
J. Colson, Walham Green, Middlesex, stage-coach-master.
J. Ashworth, Brown street, Edgware-road, grocer.
W. Martin, Cardiff, Glamorganshire, corn factor.
J. Smith, Bristol, carpenter.
H. Goodridge, Bath, ironmonger.
E. Hathawny, Walsall, Staffordshire, grocer.
M. Hicks, New Bond-street, milliner.
T. Clifton, Ham Common, Surrey, dealer.
P. F. Le Brun, Old Bond-street, chemist and druggist.
R. Oswin, Upper North-street, Fitzroy-sq. insurance-broker.
F. Gane, Frome-Selwood, victualler.
E. Grime, Stockport, machine-maker.
H. F. Pelerin, Bernard-street, insurance-broker.
J. Whitley, Callington, Cornwall, tavern-keeper.
T. Mashiter, Liverpool, merchant.
W. Jones, Liverpool, merchant.
B. Martin, Maidstone, victualler.
W. Parlett, Hart-street, Bloomsbury, apothecary.
W. Wilcock, Preston, Lancashire, woollen-draper.
S. Jee, Great Scotland-yard, coal-merchant.
W. Scott, Mile-End, Wapping, dealer and chapman.
J. Abernethy, Francis-street, Bedford-square, underwriter.
J. Ewbank, White Lion-court, Throgmorton-street, merchant.

ERRATUM.—In last Sunday's *Examiner*, under the head of "Bankruptcy Enlarged," for "G. Dicker, *Northampton*, &c." read "G. Dicker, *Northlawton*, Devon, serge-maker, from June 22 to July 10, at eleven, at the Hotel, Exeter."

PRICE OF STOCKS ON SATURDAY.

3 per Cent. Consols....62 ½ ¾ ex. div. | Omnium..1¾ dis.

The Criticism on the two new Farces, next week.

THE EXAMINER.

London, July 7.

The Gazette announces that Lord Wellington raised the siege of Badajoz about the 10th of June. Although the "Extract" from his Lordship's Dispatch relates chiefly to the failure of two attempts to take the outwork of Saint Christoval by storm, and does not detail his subsequent movements, yet it is generally believed that he has advanced to Albuera, for the purpose of anticipating Marshal Soult, who was marching in considerable force for the former place. His Lordship is said to have deemed it inexpedient to wait for the enemy, because the level ground near Badajoz would have been favourable to their cavalry, and the garrison might have co-operated. It is likely, therefore, that he may have attacked Soult at Albuera, and for some days past there has been intense expectation of receiving news of another battle: but nothing had transpired up to yesterday evening.

In default of news, however, something must be hashed or tossed up in the shape of it, to stay the inordinate appetites in Change and Coffee-house; and with the help of a little national rodomontade by way of sauce piquant, very respectable dishes are made out of a report from the Baltic or a rumour from the New World.—The one now in request is a Halifax story of a dispute between an English and an American vessel, the former commanded by Captain Bingham, the latter, more than double it's strength, by Commodore Rogers. The mutual accusations of the two nations about meddling with each other's seamen and ships are well known. The Americans attribute this dispute to an impressment of one of their sailors by Captain Bingham, which is denied by the latter; but whatever was the real cause, it is certain that the two vessels fired at each other, and then the grand question arises,—which fired first.

Captain Bingham, it seems, observing an American frigate moving towards him one evening, and thinking it wished to speak to him, waited for it's coming up, and after some ineffectual hailings, found himself attacked with a broadside. An action of course commenced, which lasted forty-five minutes, when a sort of exchange of cards took place, and the two vessels found each other to be the *Little Belt* English, and the *President* American.—At day-break next morning an American Officer came on board, and said that "Commodore Rogers was very sorry for what had taken place," but that "we had fired the first shot." This was instantly contradicted by Captain Bingham, and with every appearance of truth, for his Officers were ready to declare the contrary upon oath, and he asked the stranger whether "he thought we should fire at a neutral frigate much more than double her force?" Such is the state of the case at present, and upon the strength of such a case some of the most respectable of our newspapers do not hesitate to indulge in anticipations of war between the two countries, and to administer to the folly and vapouring of their newsmongers by assuming what is called a high national tone on the occasion. A high national tone indeed! Let them keep such tones for high national objects, and not waste them upon petty mistakes or jealousies, for which it is sufficient that individuals should be answerable. Commodore Rogers, by the English statement, appears to have been very wrong, and if he be proved to have been so, let us look to the American government for his punishment; but in the first place, let us hear both sides; in the

second, let us abstain from premature accusations and menaces against that government, before the affair has been examined; and in the third, let us not be so idiotically disquieted for the danger of one of our ships' crews, as to open the sluices of the blood of two nations in its revenge. These disputes, which so continually disgrace both the English and American journals, are undoubtedly to be traced to a national cause, but so much the more should sensible men of both nations endeavour to hinder them from growing wider and *more* national; for let English or Americans say and do what they can, it is in the power of neither of them to be of any eventual injury to the other:—neither of them can touch the other's best resources; every thing decent and reasonable should dissuade them from coming to blows;—distance of country, past affinity, present comfort, and above all, the proud conviction that they are the only two civilized nations upon earth at this moment who are blest with liberty. War is too horrible an evil to be sounded by every paper-clapper that chuses to make sport for the unthinking. If we must still fight,—still tear and mangle each other to pieces, and be covered with the brains and blood of our fellow-Christians, let us do so only where we are compelled, and not begin a fresh account with madness and misery, as if we had not enough in Europe.

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Yesterday morning the following Letter reached town, and intelligence to the same effect was posted up at Lloyd's:—

"FALMOUTH, JULY 3.—This morning arrived the Marlborough packet, Captain BULL, with Mails from Cadiz, which she left on the 9th ult. His Majesty's ship Regulus arrived there from Lisbon on the day the packet came out. On the 30th ult. spoke his Majesty's ship Talbot, 18 guns, Hon. Captain JONES, from Oporto, seven days out, who informed Captain BULL that a letter had reached Oporto from Evora, dated the 16th, stating, that on the 15th, near Albuera, an advanced guard had an affair with that of the enemy, in which 2,000 of the French were made prisoners; a battle was hourly expected. VICTOR had raised the siege of Cadiz, and marched to join SOULT. Lord WELLINGTON had raised the siege of Badajos on the 12th, on leaving a corps to blockade the place, and has marched forward with his remaining force."

"Government (says the Sun) have not received any official information upon the subject; and if events of such importance had occurred, we presume that no time would have been lost in transmitting the account to England."

Yesterday morning a Cadiz Mail arrived. The packet sailed from Cadiz before the period at which it is said the siege was raised; but Letters have reached town from Cadiz, dated the 16th ult. at which time the siege was not raised.

Sir J. YORKE sailed on Friday for the coast of America, with the squadron under his command, consisting of three sail of the line, a frigate, and a sloop.

In the different attacks on Badajoz, the loss of the Allies has been 800 killed and wounded, of which the British amounts to near 200. A new army has sprung up in the North, which enables MARMONT to march with 25,000 men to join SOULT, though he has left a body of troops at Ciudad Rodrigo—and the French cavalry are increased to an amount that makes it dangerous to risk a battle on the Plain near Badajoz, or even to risk a battle any where with the chance of having to make good a retreat after it. The Ministerial Papers say that Lord WELLINGTON *foresaw* the designs of the enemy, and is prepared for every thing.—We rejoice to hear it, and hope it will be proved so; but we scarcely think that he would have repaired the fortifications of Almeida only to blow them up. At any rate, we cannot help expressing our regret that some of our splendid regiments of horse now in England, had not been dispatched to Spain. It might have made our reviews, indeed, less brilliant, but it would have made our Battles more effectual.—*Chronicle.*

The discount on Government Paper at Lisbon has risen from 17 up to 20 per cent.

The fortifications of Almeida have been demolished by order of the British Commander.

Government is said to have received an account from Captain BARRIE, of the Pomone, detailing the particulars of a most gallant attack made on the 1st of May, at Sagone, by the Pomone and Unité frigates, and Scout sloop of war, upon three large French store-ships, moored under a battery of four guns and one mortar, and a martello-tower, mounting one heavy gun; in addition to which the quarter-deck guns of the largest of the enemy's ships had been landed, and the heights were occupied by about 200 troops, with field-pieces. After an action of an hour and a half we succeeded in destroying the battery, the tower, and the three large vessels, all of which blew up. They were deeply laden with ship timber. Their names were, La Nourice of 1,200 tons; La Giraffe, 900; and L'Eté, 500. La Nourice had 14 guns on a side on the main-deck; La Giraffe, 13; and L'Eté, six. The Pomone had two killed, and 19 wounded; Unité three wounded, and Scout three. Our ships were towed in by the boats, exposed to the broadsides of the enemy's ships, as well as to the fire from the shore, to which they were all made fast.

Messrs. HEYGATE and BIRCH, having a majority of votes, are to be the new Sheriffs.

Lieut.-Col. JOHNSON, charged by Governor BLIGH with mutiny at Botany Bay, has been found guilty by a Court-Martial, and sentenced to be cashiered only.—At the same time, the Court distinctly pronounce, that the conduct of Governor BLIGH was strongly marked with "impropriety and oppression," which is the reason why the sentence is so lenient.

THE BRITISH NAVY.—There are at present in commission 720 ships of war, of which 150 are of the line, 22 from 50 to 44 guns, 164 frigates, 134 sloops of war, 135 armed brigs, &c. Besides which there are building and repairing a number, which makes the total amount 1042, of which 254 are of the line.

THE KING'S ILLNESS.

MEDICAL BULLETIN.

"*Windsor Castle, June 30.*

"His Majesty remains in the same state as during the last week."

CASE OF DE YONGE.

PAPER CURRENCY.—Lord ELLENBOROUGH pronounced on Wednesday, in the Court of King's Bench, the decision of the twelve judges on the important case of DE YONGE. This person had been convicted, on an INFORMATION by the *Attorney-General*, of exchanging bank notes for the gold coin called a guinea, at more than the nominal value of the latter. This the ATTORNEY-GENERAL called *buying guineas*, which he represented to be a crime by law; but DE YONGE's counsel contended that it was only *selling bank notes*, which is no crime by law. The judges have given it in favour of DE YONGE; that is to say, they have declared it legal to give and take bank paper at its real value, which is about sixteen shillings in the pound. By this decision DE YONGE is declared *innocent*, so that he will now escape without any punishment,—as all innocent men should,—and will *only* have to pay some four or five hundred pounds, incurred through the ATTORNEY-GENERAL'S Information, or rather his want of information:—should the innocent man be unable to pay this sum, he will be thrown into prison, and there kept, until he has had bitter experience in his person, that neither the verdict of a jury, nor the decision of the twelve judges,—no, nor innocence itself,—can in this country always protect from severe punishment. If DE YONGE be a foreigner, as his name would seem to intimate, this circumstance will much endear to him the British Constitution, and induce him to reflect with thankfulness on the contrast which it presents to those forms of government, according to which, if a man render himself, by any act, obnoxious to the existing ministry, they have it in their power to ruin him at their pleasure.—*Stamford News.*

MILITARY TORTURE.

Although Mr. Drakard has been thrust into a jail for recommending the abolition of Torture by the Cat-o'-nine-tails, there is every reason to believe that this disgusting mode of punishment will in a very few years be wholly discontinued.—A General Order has just been issued from Head-quarters, which is considered by many as the forerunner of a more decided attack upon Sir Vicary's favourite system. But why *Men*, as well as *Boys*, are not to be attached to the Service by "Mildness and Lenity," it seems most hard to explain.—"To beat the body," says Langhorne, in his *Life of Plutarch*, "is to debase the mind. Nothing so soon or so totally abolishes the sense of shame; and yet that sense is at once the best preservative of virtue, and the greatest incentive to every species of excellence."—The following is an Extract of the Order:—

EXTRACT from a GENERAL ORDER, dated 17*th June*, 1811, relative to Boy Recruits raised by certain Regiments authorized to enlist Boys:—

After specifying the regulations as to enlistment, bounty, rate of subsistence, messing, cleanliness, drilling, arms, &c. &c. &c, the Order concludes with the following paragraph:—

"The Commander-in-Chief recommends, in general terms, the UTMOST MILDNESS AND LENITY, as the best means of establishing discipline and attaching the Boys to his Majesty's Service; and his Royal Highness commands me to suggest, for the consideration of Officers commanding the Regiments specially authorized to enlist Boys, the expediency of establishing a Regimental School for the instruction of such of them as discover abilities, in the necessary qualifications of Reading and Writing, with a view to their becoming hereafter useful and valuable non-commissioned Officers.

"By Command of his Royal Highness, the Commander-in-Chief.

(Signed) "HARRY CALVERT, Adj.-Gen."

FINE ARTS.

ROYAL ACADEMY EXHIBITION.

209, *A Composition from a description of Pæstum*, G. ARNALD, A., exhibits a line of tastefully arranged and noble Grecian Structures, beyond which stretches a far distant and variously pleasing landscape. In architectural landscape, the irregular forms and masses of trees display to great advantage the beauties of the buildings by their contrast with the formal, strait, angular, and circular lines. Every person of taste must be struck with this in the additional elegance and magnificence which London exhibits when seen over a cluster of trees. On this principle, and with deference to Mr. ARNALD's better judgment, I think a greater quantity of foliage would have set off the architecture in the middle distance much more than the scanty, but beautifully painted, vegetation in the fore-ground.

Mr. MULREADY's small paintings of familiar landscape and figures, in delicacy of touch, firmness, finish, depth and richness of tone, and every various requisite, vie with some of the best cabinet productions of the Dutch School. If the scrutinizing eye of criticism can discover any particular defect among these admirable performances, it is in 246, *Horses baiting*, in which he has carried to excess the colour and finishing of some parts of a stumpy tree.—Mrs. MULREADY's performances exhibit no small degree of attainment in landscape painting.

The clearness, breadth, harmonious tone, delicate handling, unassuming style, and adherence to nature, exhibited in 119, *Fisherman's Cottage*, well sustain Miss GOULSMITH's early reputation in the Arts. I do not think that she has been so successful in 467, *View at Southall*. It is a picture of an harmonious grey tint, and possesses some beautiful passages, but the general aspect of the piece is much deteriorated by an imbecility of touch throughout the foliage, which gives it the character of fading.

35, A Landscape Composition, exhibits considerable improvement in Miss REINAGLE's studies. The golden rays of an evening sun dart with pleasing effect between the stems of the trees and gild the elegant foliage.

The copious, harmonious, and vigorous tones of colour and chiaro-scuro, judicious composition, and freedom of pencil, which reign throughout the drawings of Mrs. C. LONG, are proofs of extraordinary advancement in that Lady's practical knowledge of the Fine Arts. 275, *View up the Thames from Windsor Castle*,—264, *Sketch from Nature*,—295 and 296, *View from the Grounds of the Right Hon. C. Long, Bromley Hill*,—are beautiful specimens of these attainments. In 275, the luminous sky is reflected on the pellucid surface of the Thames, which romantically winds its silver way among hills, vales, woods, lawns, and spires, till the stretching landscape is indistinctly and remotely seen mingling with the sky. The

tasteful industry of Mrs. Love forms a soothing contrast to the herd of fashionable female triflers, whose taste rises no higher than painting a face, or arranging the puerile affairs of a grand gala; of those silly creatures of wealth and of a court, whose history is fully comprised in the few following words:—born, slept, rose, ate, dressed, smiled, danced, yawned, sickened, died.

R. H. *(To be continued.)*

MR. W. HOWARD AND THE DUKE OF NORFOLK.

Neither the Duke of Norfolk nor any of his agents appearing to substantiate their late charge against Mr. Walter Howard, that unfortunate Gentleman was yesterday carried before the Justices at the Westminster Sessions, and discharged.—Will any man say that such a course of proceeding is consistent with justice?—Mr. Howard, conceiving that he has just claims upon the Duke of Norfolk, was quietly waiting in the open square to obtain an interview with his Grace. A Servant of the Duke addressed Mr. Howard in very coarse language, which he reproved. Upon this, two fellows came up, seized him, and carried him to the Police Office, where one John Ridley swears that Mr. Howard has broken the peace, to the great *terror* of the Duke of Norfolk.—Mr. Howard did not even see his Grace. The Police Magistrates commit him for want of bail; he is sent to Tothill-fields Prison, and kept as a criminal for upwards of a fortnight. He is then brought up to the Sessions House, and discharged without one word being said by the Justices, either for or against him.—This, then, it seems, is *the law!*—It may be said, that if Mr. Howard conceives that he has been falsely imprisoned, he has his action against the Duke or his Agents: but the fact is, the law is not within Mr. Howard's reach. He is pennyless. To support himself and his wife, he receives forty-five pounds a-year, under the will of the late Edward Duke of Norfolk. *Forty-five* Pounds a-year, to support two persons! why, it would not supply his Grace with Burgundy for a month, or even purchase a bauble for one of his favourites. Out of this wretched income, it is quite clear that Mr. Howard has nothing to fee lawyers with, and to support an action against the Most Noble Duke; and such is the *terror* which the length of his Grace's purse excites, that no person, however anxious to see justice done, is willing to enter upon such a fearful contest.—Here, then, is an instance of sheer oppression. An innocent man is imprisoned for many days upon a charge, the truth of which his accusers do not even attempt to prove; yet he has no redress, for he is so poor, that no professional man will venture to undertake his cause against such a defendant.—The law, it is said, is open to all; but it is false. It is not open to all: it is only open to those who can pay for it. If justice were strictly enforced, there would be some National Court appointed to take cognizance of those cases, in which the parties, with apparent right on their side, were unable from poverty to prosecute their claims. Till such a system is established, it is vain to talk of equal laws,—for at present the rich can oppress the poor, and there is no remedy for them.

While Mr. Howard was in prison, his unhappy wife was turned out of her lodgings, as she had no money to pay for them. She saw the Duke of Norfolk, and told him of the wretched condition of her husband and herself. His Grace merely observed, shrugging up his shoulders, "I can't help it!"—He could not help it! What! not help employing fellows to drag one of his own family (of which there is little doubt) to jail, and there leaving him to starve? But meanness and falsehood generally accompany each other.—It is due to Mr. Bothwell, the Governor of Tothill fields prison, to state, that every possible comfort was afforded to Mr. Howard during his late imprisonment. Indeed, from the general appearance of the prison, and the testimony of the prisoners, there is every reason to believe that Mr. Bothwell is not one of those governors whose hearts are hardened by a constant acquaintance with misery and guilt.—Let him pursue his humane course; he will enjoy that which Dukes so often want,—a good conscience.

BERKELEY PEERAGE.

This case, which has occupied so much of the time of the Lords, was brought forward on the petition of William Fitzhardinge Berkeley, stating him to be the eldest son and heir-apparent of the late Earl of Berkeley, and therefore entitled to the honours and dignities possessed by his father. It being known that the late Earl was *publicly* married to the present Countess in May, 1796, and the son of *that marriage*, born in October, 1796, being a minor, the House addressed the Prince Regent to appoint one of the Law Officers of the Crown to appear for him. The case then came on to be heard. The claimant claimed under a marriage alleged to have taken place between his father and the present Countess, on the 30th of March, 1785, at Berkeley Church. The evidence on the part of the claimant went to the proof of the publication of banns between the late Earl of Berkeley and *Mary Cole*, now Countess of Berkeley, on the 30th of November, 5th and 12th of December, 1784, and to the solemnization of a marriage between the same parties on the 30th of March, 1785, and to the concealment of the entry of the former and the registry of the latter for several years, in order, as alleged, that, at the earnest desire of the Earl of Berkeley, the marriage might be kept secret. To prove the publication of the banns, Mr. W. Tudor, brother to the Countess of Berkeley, was called, who *swore* that he attended at Berkeley Church to hear the banns published, and that he actually heard them published by Mr. Hopsman, the Curate, afterwards Vicar. He also swore that he was present at the marriage, to the registry of which his name appeared signed as a witness. The Countess of Berkeley also swore, that she was married on the 30th of March, 1785, to the Earl of Berkeley, at Berkeley Church, and in cross-examination stated, that his Lordship became acquainted with her when she was at school at Gloucester; that she left Gloucester to avoid him; and finally, when at Mrs. Foote's, in Kent, in 1784, agreed to marry him; but that the marriage was to be kept secret, on account of the conduct of her sister. Evidence was also adduced of the finding of the registry of the marriage concealed in the inside of the cover, under a leaf of the book pasted over it, and of the declaration made by the Earl of Berkeley in his last illness, that the alleged marriage took place on the day stated in 1785, and of the legitimacy of his children.

On the part of the Son born in 1796, evidence was adduced to shew, by circumstantial evidence, that it was impossible the alleged publication of banns in 1784, or marriage in 1785, could have taken place. A great number of witnesses were examined. It was proved that Lord Berkeley, in his own hand-writing, minuted down the form in which the baptism of his children by Lady Berkeley, then living with him under the name of *Miss Tudor*, should be registered, and which was previous to 1796, uniformly as the *illegitimate* children of the Earl of Berkeley and Mary Cole; that his Lordship swore himself to be a *Bachelor* in 1796, to obtain a licence for his marriage with Lady Berkeley, denominated in the affidavit,

Mary Cole, *Spinster*; and that with respect to the son born after that marriage, his Lordship, in his own hand-writing, minuted down the form for the registry of his baptism, expressly denominating him *Lord Berkeley*, son of the Earl and Countess of Berkeley. The life of her Ladyship was also traced in evidence, from the death of her father, William Cole (who lived at Wooton, in Gloucestershire), in December, 1782, of January 1783,—her coming to London,—her going into the service of Lady Talbot,—afterwards, in March 1784, into the service of Mrs. Foote, in Kent, which she quitted at the end of December, 1784, and came to London; went to Gloucester in June 1785, and came to Gloucester again in the autumn of that year. Evidence was also given of declarations of Lady Berkeley and Lord Berkeley, at different times, between 1785 and 1796, indicating that they were not married. Several witnesses were likewise examined, to prove that Wm. Tudor did not in March 1785 go by the name of Tudor, but had assumed the name subsequent to that period. The person who was officiating clerk of the parish of Berkeley at the time the banns were alleged, never heard any such banns published, nor were they heard by any one who was in the habit of attending Berkeley Church at that period. The name of Augustus Thomas Hupsman, the Vicar of Berkeley, signed to the registry of the marriage, was declared by his widow not to be like his hand-writing, and the rest of the registry was proved to be in the hand-writing of Lord Berkeley, including "the mark of William Barnes," who was stated to be a stranger, who had been called in to witness the marriage, but who, it appeared, had never since been heard of, and no such person was known.—Evidence was likewise adduced to shew that Lord Berkeley was not acquainted with Lady Berkeley till late in the year 1785.

To rebut the effect of this testimony, several witnesses were examined on the part of the claimant, to prove a belief and persuasion on the part of the individuals connected with the family, that Lord Berkeley and Lady Berkeley, at the time she was living with him as Miss Tudor, were married; also to prove that from the mode of publishing banns at Berkeley Church they might frequently not be heard. To shew likewise that Lord and Lady Berkeley were seen in company together in the early part of 1783. Mrs. Glossop, the mother of Lady Berkeley, also swore that her daughter made a solemn declaration to her when pregnant of her first child (the Claimant), that she was married to Lord Berkeley.

Witnesses were then finally called by the House of Lords, whose testimony went to shew that the first known intimacy between Lord and Lady Berkeley was not till the autumn of 1785, and one of whom, the Marquis of Buckingham, deposed to repeated conversations between his Lordship and Lord Berkeley, in which the latter stated himself not to be married to the person then living with him, now Lady Berkeley, by whom he had children; and that he actually proposed to the Noble Marquis to become a mediator with his brother, Adm. Berkeley, to engage to marry his eldest son to an illegitimate daughter (by Mary, now Countess of Berkeley) in which case he would settle the Castle and honours of Berkeley on her, that they might not be separated from the Peerage.

It has been erroneously said, that by the Resolution of the House of Lords the Berkeley Peerage indisputably devolves on the first son of the marriage in 1796. That may be the ultimate effect of the decision; but in the mean time the Resolution of the Committee of Privileges goes no farther than to say, that he has not made good his claim. It is open to him yet to petition the House if he can adduce new proofs, or overthrow the evidence given against him; and his brother, Marton Fitzhardinge, is only in his fifteenth year, and cannot claim to be called to the House of Peers till he shall have reached twenty-one.

The eldest son of the alleged marriage in 1785 is put into this curious predicament. He was forced to quit the House of Commons as being a Peer, and not allowed to enter the House of Lords as being a Commoner. May he not petition the House of Commons to resume his seat, as he was turned out on a false pretence?

Extracts from the Minutes of the Evidence taken before the Committee of Privileges of the House of Commons:—

William Tendall, Esq. Barister, stated, that while he attended the Quarter Sessions, at Gloucester, in 1785, he visited Lady Berkeley, then Miss Cole, at a house in Bell-lane, Gloucester; he visited her four times.—*Q.* Do you recollect any thing that enables you to state at whose house this was?—*A.* Mr. Farren, the husband of Mrs. Farren, came into the room, whom I had known some years before; whether it was his house or not, I cannot particularly say.—*Q.* State what passed between you and Lady Berkeley at the time Mr. Farren came into the room?—*A.* I must submit to their Lordships that circumstances might occur which it might be very unpleasant to state. Occasional liberties might be taken, and perhaps at the time that Mr. Farren came in, something of that sort might be passing; but I most solemnly declare, that nothing criminal ever passed between Lady Berkeley and myself.—*Q.* What was the nature of the liberties, if any, that were passing when Mr. Farren came into the room?—*A.* I certainly was taking liberties with Lady Berkeley at the time, unquestionably.—*Q.* Was it with or against her consent?—*A.* Certainly with a degree of reluctance on her part.—*Q.* What was the nature of the liberties you were taking?—*A.* I was saluting her.—*Q.* Were you upon the ground with her?—*A.* I rather think not, but I will not take upon me particularly to say. There was a moment, I believe, when by accident she had slipped off her chair, and whether it was at that moment Mr. Farren came in I will not take upon me to say.

The Rev. Mr. Chapeau, an old acquaintance of Lord Berkeley's, was applied to, to christen a natural son of his in Jan. 1787, which he did. At this christening, Admiral Prescot, who was present, wrote down, "William Fitzharding, natural son of the Earl of Berkeley, by Mary Tudor."—*Q.* You represented that you had seen Lord Berkeley at Spring Gardens on his return from the House of Lords, when he went to claim a former marriage?—*A.* I did.—*Q.* Did you see Lady Berkeley there?—*A.* Both at Spring Gardens.—*Q.* Did you hear Lady Berkeley say any thing upon that occasion?—*A.* I sat in the dining parlour with Admiral Prescot, about half an hour before the carriage drove up; when the carriage drove up, Lady Berkeley got out of the carriage first, my Lord Berkeley was detained with his porter in the hall; Lady Berkeley being first, had flounced down in a chair, and looked heated and disappointed, saying, "no more iniquity for me; my children shall go to their Church, and read their Bible, and shall tread the path of truth and virtue; and I do not know"—there was another expression, and then Lord Berkeley came in, and that stopt her mouth.—*Q.* Had any subject been mentioned, to which the reference was of "no more iniquity for me," to which that expression referred?—*A.* Not any one; the moment she came out of the coach, she flounced down in the chair, and this was a kind of exclamation to herself. When Lord Berkeley came in, I never saw any countenance in my life so dejected, so chop fallen, and so miserable. I dined there; Admiral Prescot, I believe, dined there; Lord Berkeley did not speak a work, I believe, and Miss Tudor did talk, but not so cheerfully as at another time.—*Q.* At any time did Lady Berkeley relate to you any circumstances respecting her history?—*A.* She did.—*Q.* Have the goodness to repeat them?—*A.* About October, I cannot recollect to say in what year exactly, I think it must be about 1787, when I came into the parlour, Miss Tudor was discharging a servant, and persuading the girl to return to her friends in the country, telling her she would pay her stage coach if she would. She refused, saying, she liked to stay in London better. Upon which Miss Tudor asked me, if I did not think that a girl with a good countenance, and dismissed from service without money, would be sure to fall a prey to some man or other? In this situation, said she, I was once myself; but having a friend of my mother's, whose name I recollected, and whose house I found out, very luckily was received with kindness; but that kindness did not last long, for he came to me and said, "Mary, you must not stay longer under my roof; I have lived in good esteem with my neighbours, and the young people

will laugh at me if you continue, and the old will despise me; therefore, child, you must go down to your friends at Gloucester." I said to Miss Tudor, "I hope that he did not turn you out without some money." "No," said she, "he did not; he gave me a very handsome present, and with that present I quitted his house and went to my sister Ann Farren, whom I found with a sore breast, two or three children extremely diseased and dirty, and one Mrs. Sheffield, an old servant in the family, who came, upon her necessitous situation, to assist them. The first thing I did was to send for a Surgeon to my sister; the next was to have the children cleaned and cloathed, and that dipped very deeply into my present. I remunerated Mrs. Sheffield for her kindness, and then disliking my situation with my sister, took my little bundle and marched to my sister Susan's. I took up the knocker; but recollecting that my mother had given me strict orders never to speak to my sister Susan any more, I laid it down quietly, and took a turn to reflect upon my disobedience: but when I thought of returning to all that misery at my sister's, my sister screaming with pain, and the children almost famished with hunger, I faced about, went to my sister Susan's once again, took up the knocker and gave a loud rap. Who should come to the door, but (as if it had been on purpose) my sister Susan herself, dressed out in all the paraphernalia of a fine lady going to the opera. She took me into her arms, carried me into the parlour and gave me refreshment; began to tear a great many valuable laces of 16s. per yard, to equip me for the opera, and when I was so dressed, I looked like a devil. I went to the opera, and was entertained with it, and at night returned again to my sister's, and there I found a table well spread, not knowing that my sister ever had any fortune. At table there were Lord Berkeley, Sir Thomas Kipworth, I think a Mr. Marriot, and a Mr. Howorth: the evening went off very dull, and they soon left the place. The next night went to the play in the same manner, and returned in the same manner, and with no other difference than a young Barrister, whom I thought agreeable; and if I had been frequently with him, should have liked him very much. When they went away, I requested my sister to give me a cheerful evening, that we might recount our youthful stories; a day was fixed, and our supper was a roasted fowl, some sausages, and a bowl of punch. In the midst of our mirth a violent noise was heard in the passage, and in rushed two ruffians, one seizing my sister by the right hand, and the other by the left, trying to drag her out of the house in order to carry her to a spunging house. She told me the men declared they would not quit Susan, her sister, unless they received a hundred guineas. She fainted away; and, when she came to herself, she found Lord Berkeley standing by her sister Susan, who was not there before. Miss Tudor fell upon her knees, and desired my Lord Berkeley to liberate her sister; that she had no money herself to do it, and if he would do it, he might do whatever he would with her own person; he put down one hundred guineas; the ruffians quitted their hold, and my Lord carried off the Lady.—*Q.* In the conclusion, did her Ladyship say any thing?—*A.* Yes; she said, "Mr. Chapeau, I have been as much sold as any lamb that goes to the shambles."

Mrs. Lumley said, that she had been acquainted with Lord Berkeley for forty years. In 1791, 2, or 3, he called on her, and upon her remarking, that two of his children were to be in the Exhibition, he exclaimed, "Would to God they were legitimate."

Mrs. Price, who had lived Governess in the family from 1792 to 1799, deposed to conversations, in which Lady Berkeley declared, she was not married to Lord Berkeley down to 1796. The witness, about January 1796, heard her Ladyship ask Lord Berkeley why he would not marry her? and he said, "I cannot yet."

The Marquis of Buckingham's evidence was as follows:—*Q.* Had your Lordship any conversation with the late Lord Berkeley prior to the year 1799, relative to his family?—*A.* I apprehend that I do not depart from the respect which I owe to this House in requesting their permission, before I answer any question, to remind the House, that I stand here in obedience to their orders, and not as a voluntary witness, in a matter, for many reasons, so painful to me. The question put to me is, whether I had any conversation with the late Lord B. on the circumstances of his marriage, or of his family prior to the year 1795—my answer is, that in the relation in which I stood with the late Lord Berkeley by marriage, and with the confidential habits in which I lived with him for many years, I had many conversations with him upon the circumstances of his family. At various times Lord Berkeley communicated to me the circumstances of his living with a person, then, as I understood, the mother of children by him, to whom he distinctly stated to me that at that period he was not married. If I am called upon to fix the precise date of that first declaration, it would be very difficult; it is limitted, however, by particular circumstances; I know that it could not have been made to me before I returned from the commission with which his Majesty honoured me in Ireland, in the year 1789,—in the latter end of the year 1789,—it could not have been earlier than that; and I have likewise particular reasons, from a circumstance I will state hereafter, for knowing it must have been prior to the year 1793; the conversations, therefore, must have been between these two dates, in which his Lordship told me he was not married to the mother of some children, I did not know how many, but boys, he told me, whom he requested I would be guardian to in the contingency of his death.—*Q.* Did Lord Berkeley ever state to your Lordship the time when, and the circumstances under which, the particular connection that subsisted between them took place?—*A.* No; he never, to the best of my recollection, explained more than that she had left school; and, I think, he said he got hold of her in London. I have some recollection of his talking to me something about that, and making use of the expression.—*Q.* Did he ever say any thing of his having advanced or paid the sum of one hundred guineas at the time of their first connection commencing?—*A.* I have a faint recollection of his saying something about paying money for her; but I cannot undertake to say the precise sum.—*Q.* At any period, previous to 1796, did Lord Berkeley ever give your Lordship any hint, or any reason whatever to believe that he was married to the person who then went by the name of Miss Tudor?—*A.* Never; but, on the contrary, repeatedly told me that he was not married to that person—repeatedly.

CITY.

On Thursday a Court of Common Council was held at Guildhall, when

Mr. Alderman Birch presented a Petition, signed by 26 Freemen of the City of London, confined for debt in Ludgate. The Petitioners, he said, were persons who would probably be released under the Insolvent Bill recently passed. The circumstance to which he wished to call the attention of the Court was the distressed situation in which these unfortunate persons would be when discharged—destitute of money or any means of obtaining immediate support, except by incurring fresh debts, and risking fresh imprisonment. As a proof of the distress which many of these unhappy people laboured under after being discharged, he would relate an instance, of the truth of which he was well assured, which occurred on the passing a recent Insolvent Act. A young man, discharged under the Act, immediately hastened to the wretched habitation where he expected to find his wife. He found her indeed, but dead! She had expired half an hour before his arrival of absolute want. Distracted at this event, he left the house, applied to a friend, who lent him money enough to enable him to purchase a dose of poison, which he did—he took it, and death followed: he was buried in the same grave and on the same day with his wife. On this fact it would be needless for him to make any comment.—The Petition prayed aid, and if the facts stated in it were true, aid was indeed necessary to those who solicited it. He should at present only move, that the Petition be referred to the Committee for General Purposes.—The motion was agreed to.

The Committee for General Purposes presented a Report, stating that they had taken the order of Reference of March last into consideration, "to take such steps as should be found necessary to remove the restrictions against building on the

quarters of Moorfields, in order to appropriate such parts thereof as shall be found most eligible for a new Prison in lieu of the Poultry Compter, and also for a House of Correction, and to appropriate the remainder in such manner as should best tend to public ornament and convenience;" that they had held a conference with the Chancellor of the Exchequer thereon, and laid before him a plan and estimate of the intended buildings; and he was pleased to declare, that he saw no objection to the proposition, and recommended a Memorial to be presented to the Lords of his Majesty's Treasury.—The question being put, that the Court do agree with the Committee in their Report, the same was resolved in the affirmative.

LAW.

COURT OF KING'S BENCH.

Wednesday, July 3.

SALE OF GUINEAS.—THE KING *v.* DE YONGE.

Lord ELLENBOROUGH communicated the judgment of the Court in this case, which, along with another case, the King v. Wright, coming from the Assizes for the county of Buckingham, had been reserved for the opinion of the twelve Judges. Both causes had been fully argued before the Judges in the Exchequer Chamber. The question was, the defendant having been convicted of purchasing 52 Guineas at the rate, in Bank Notes, of 22*s.* 6*d.* per Guinea, whether, in so doing he had been guilty of an offence punishable under the Act of the 5th and 6th of Edw. IV. which prohibited the exchanging of coined gold for coined silver, or for gold and silver, the party giving or receiving more in value than the same was current for at the time? All the Judges, except three, were present at the whole of these arguments, and at the last of them the whole of the Judges were present. The Court had no opportunity of knowing what was the opinion of the absent Judges on that part of the case at the argument on which they were not present, but they had no reason to presume that they dissented from the opinion of the other Judges who were present, all of whom concurred in opinion, that the defendant in this case was *not liable* under the Act of the 5th and 6th of Edward VI.—The judgment, therefore, was arrested.

COURT OF ARCHES, DOCTORS' COMMONS,

Thursday, July 4.

NEWBURY *v.* GOODWIN.

This was a suit promoted by Mr. Newbury against the Rev. Mr. Goodwin, Curate of Heathfield, for irregularity at the Communion-table, and for chiding and brawling in the Church. It appeared that the Rev. Mr. Goodwin, on reading a chapter in the 1st Book of Kings, left out a part of a verse thereof, and immediately observed:—"I have been accused, by some ill-natured neighbours, of making some alteration in the service: I have done so now, and shall do so again when I find it necessary." That he also observed, on administering the Sacrament to an old man, "Does not your conscience prick you? You are rich, and suffer your son to come to the parish for relief." The learned Judge (Sir JOHN NICHOLL) admitted the Articles of the Libel; at the same time observed, that the Rev. Gentleman would do well to consider, under the advice of his Counsel, whether he would act prudently and discreetly in defending this suit.

BOLTON *v.* BOLTON.

This was a cause of Divorce promoted on the part of Charles Bolton against Sarah Bolton his wife. The parties were married at Canterbury in August, 1797, where they kept a house called the Rising Sun; but failing in business, the husband went to India, and the wife went to live with her brother, who kept the Fountain Inn at Margate. During her husband's absence, she formed a connection with a young man, by whom she became pregnant, and was delivered of a female child; and afterwards she formed an adulterous intercourse with other men, and was delivered of twins.—The Court pronounced for the remedy which the husband prayed.

ACCIDENTS, OFFENCES, &c.

On Monday night a fire broke out in the premises of Mr. Reid, law-bookseller, Bell-yard, Carey-street, next door to the *Star* printing-office. The family were all in bed, and it was with much difficulty they were roused and saved from the flames, which raged with so much fury as to destroy the premises to the foundation in about two hours. The *Star* printing-office was on fire, and has suffered considerable damage; but, fortunately, a number of engines were soon at the spot, and the flames were subdued. Mr. Reid's extensive stock of books has been entirely destroyed.

A party of eight persons, consisting of Mr. Prater, an artist, in Pimlico lower road, his two daughters, with three other young ladies, and two tradesmen, dined at Twickenham on Sunday, on a water party, and on returning towards London, in the evening, about ten o'clock, the side of the boat was stove by another, rowed by four unskilful young men, running foul, a short distance above Battersea. In getting into the other boat, a young lady, of the name of Smither, was drowned, and a Mr. Smith, in attempting to save her, nearly shared the same fate, but he succeeded in landing in a half-drowned state.

A meeting took place on Monday morning, on Hounslow-heath, between Mr. F——, of Cavendish-square, and Capt. C——, an officer of dragoons, in consequence of a dispute which originated in the endeavours of the Gentlemen to obtain admission to Carlton-House, on Wednesday se'nnight, for two Ladies, each having one under his protection. On their meeting again by chance on Sunday evening, the dispute was renewed, and the meeting in question took place. Both Gentlemen fired at once, and each shot taking effect (Capt. C—— receiving a ball in the shoulder, and Mr. F—— being slightly wounded in the leg), the seconds interfered, and an accommodation took place. The Gentlemen, who are distantly related, returned to town in the same chaise. Capt. C—— is not considered as being in any danger.

On Friday, an eminent merchant, in the Levant trade, was found drowned in the New River; and on the same day a young man named Genders was found drowned in the Thames, below Chelsea College.

A Lady's Maid, in a Noble Family, is now in custody, charged with robbing her mistress of jewellery, &c. &c. to the amount of 300*l.* She is the daughter of a respectable tradesman, and was a great favourite.

The town of Montego, in Jamaica, was again attempted to be set on fire, in May last, but owing to a fall of rain, the combustibles did not take fire.—A reward of 500*l.* has been offered for the discovery of the offenders.

BIRTHS.

On Thursday morning, Mrs. Young, of Fenchurch-street, of a son.

In Londonderry, on Saturday week, Mary Quig, wife of R. Quig, an apprentice ropemaker in that city, of three children, two boys and a girl, who, with the mother, are doing well.

MARRIAGES.

On Thursday, at St. George's, Hanover-square, the Hon. Wm. Fitzroy, to Lady Eliz. Fitzroy, eldest daughter of the late Duke of Grafton.

On Saturday, R. C. Kirby, Esq. to Miss Craggs, daughter of the late Wm. Craggs, Esq. of Upper Belgrave Place.

DEATHS.

On Tuesday week, at Norwich, suddenly, Miss Tillett.—This young lady was so near matrimony and death, that her wedding-cloaths and shroud were brought home on the same day.

A few days since, at Kelton, Yorkshire, Jane Wood, aged 101, and Dorothy Page, 106; they lived in the same house; they always enjoyed a good state of health, and retained their faculties to the last. Their woman servant was 80 years old.

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